IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

WP(C).No. 33286 of 2007(K)

PETITIONERS:

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1. PRASEEDKUMAR M., AGED 30 YEARS,
   S/O. GOPALAKURUP, MADHURA PARAMBATH,
   VELLIPARAMBU P.O., CALICUT-673 006.

2. SHEEJA,
   VADAKKE KALLADA METHAL, KUTTIKATTUR P.O.,
   KOZHIKODE-08.

3. MOIDEEN KOYA,
   PADINHARE NADUVATH, VELLIPARAMBU P.O.,KOZHIKODE-08

4. U.T. FAISAL,
   ULLATT THARIPAYIL, PANTHEERANKAVU P.O.,
   VELLAYIKODE, KOZHIKODE-19.

5. DOLLY CHITHRA,
   MADATHIL HOUSE, PERUMANNA P.O., KOZHIKODE-26.

BY ADV. SRI.P.V.KUNHIKRISHNAN
SMT.N.S.REHNA

RESPONDENTS:

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1. JOINT REGISTRAR OF CO-OPERATIVE
   SOCIETIES, KOZHIKODE.

2. PERUMANNA SERVICE CO-OPERATIVE BANK LTD.
   NO.D.1955, REPRESENTED BY ITS SECRETARY,
   PERUMANNA, CALICUT.

R1 BY ADV.SMT.ANU SIVARAMAN, GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN,J.

W.P(C).No.33286 OF 2007

Dated this the 13th day of November, 2007

JUDGMENT

In the nature of the order being passed hereunder, notice to the second respondent is dispensed with. Learned Government Pleader appears for the first respondent.

2. Ext.P12 is a proceedings issued by the first respondent in relation to the second respondent society. Directions are issued therein regarding the continued engagement of the petitioners. Following that, the petitioners have been issued notices by the second respondent to show cause against their removal from service.

3. The short issue on which this writ petition is filed is that the petitioners were not given an opportunity of pre-decisional hearing by the first respondent and if Ext.P12 stands, the proceedings initiated now by the second respondent on the basis of the directions in Ext.P12 would be an empty formality

and the ultimate result will be the termination of the petitioners from the service of the second respondent.

4. Having regard to the nature of the contentions of the petitioners, including that they were recruited on the basis of selection conducted based on notification, I deem it appropriate that the petitioners are heard by the first respondent before any action is taken, which may culminate against them.

5. All further proceedings on the basis of Ext.P12 shall stand suspended and the first respondent shall extend to the petitioners an opportunity of being heard. They will be permitted to place on record such materials as may be required and necessary for a final decision in the matter. Such proceedings shall be finalised within an outer limit of four months from the date of receipt of a copy of this judgment. Any further enforcement of Ext.P12 would depend on the decision that the first respondent may take, after hearing the petitioners.

The writ petition is disposed of with the above directions.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.